

Taft Won't Let Up on Trusts

BUSINESS MUST GET BACK TO COMPETITION, HE SAYS.

President Replies to Criticisms That Have Been Made Upon Recent Speeches in Which He Defended the Sherman Law—An Ardent Plea for the Courts.

BOISE, Idaho, Oct. 6.—The thirteen-day tour of the President of the United States through the West ended today. The President made a final stop in Boise, Idaho, at the Hotel Idaho, where he was met by a large crowd of people. He made a short speech to the crowd, in which he defended his recent speeches on trusts and competition.

"A pusher from Chicago," is the appellation that the President gave Mr. Fisher today. There has been a great deal of dissatisfaction in this region over the disallowance of the Interior Department of the Ballinger regime. It is a matter of vital interest to the people here that they secure reasonably quick action from the Interior Department on their claims with respect to the public lands. The attacks upon the Interior Department while Mr. Ballinger was there, things into such a muddle that public business came almost to a halt at times. Mr. Taft is putting Secretary Fisher forward as the man who can straighten out this condition of affairs and give the people of the West a businesslike administration.

His audiences in this State and elsewhere in the West where he has spoken on the subject have enthusiastically registered their approval of his promises. Mr. Fisher will have a big job before him in the next year and few members of Mr. Taft's Cabinet will have a better chance to help the administration.

Mr. Taft today replied to some of the criticisms that have been directed against him in the East because of his declaration that the Sherman law as interpreted in the recent decisions of the Supreme Court was a valuable Government asset and that the Attorney-General was under orders to prosecute without discretion all combinations existing in violation of that law.

The President again declared that the prosecutions must go on and that it was not in the discretion of the Chief Executive to withhold prosecutions of unlawful combinations simply because it would hurt business. He said he expected and believed that the harm to business which the prosecutions are causing would cease when the business interests came to understand that this law was to be enforced and that they must return to a basis which would restore competition.

He said he realized that the business which the prosecutions are bringing about would have to be made even so. Then Mr. Taft said he saw no reason why when the business interests should have reformed in conformity with the Sherman law there should not be a rise to greater and greater prosperity.

The President denounced those who have attacked the Supreme Court for the decisions in the Standard Oil and Tobacco trust cases without making any definite statement of a case meeting the conditions which could not under those decisions be proved a violation of the law. He said that since he had made his challenge in his speech on the trusts at Detroit, Mich., he had read columns and columns of what purported to be an answer to his challenge, but that he had not heard one word from any of the publicists suggesting a concrete case. The President pointed upon the table as he cried:

"When a court is doing its duty, when it is trying to reach the law as it ought to be, to have it condemned and attacked and its motives questioned and its political purposes without any solid ground for attack, goes to my heart, and I resent it with deep indignation."

The President continued:

"To one in my place, charged with the execution of the law, there is no discretion with reference to the trial of cases that are brought to the attention of the Executive as violations of the law. The decisions must go on. It is not for the Executive to say that he can withhold criminal prosecutions or any kind of prosecutions just to help business. Business must reform itself and the executive duties must be performed under the oath of office I took and under the oath of office that all of those under me took. But when the courts have decided that part of it that has thought this statute did not mean anything, understands that it is to be enforced, then we may reach a condition and a solution that will enable the business community to settle down on a proper and legitimate basis. I hope that is near at hand. When that is done, with the railroad under proper machinery and the principles of right business settled with reference to the general government, then we must get together for the purposes of prosperity."

Referring to the criticism of the Supreme Court in the anti-trust decisions the President said:

"The Supreme Court has been greatly criticized by the public and the press and others that perhaps do not appear to be understanding laws. The Supreme Court has said that in the construction of this statute they were going to follow the light of reason and the reason and the publicists and jurists says that was a great mistake."

"They say you ought not to construe in the light of reason; you ought to give it the most literal construction possible. They say that by your construing it in the light of reason they have emasculated the statute and made it ineffectual against the evil which was contemplated by Congress. Now I challenge and have challenged one of those publicists or jurists to state to me a case that any reasonable man would say ought to be condemned under the law which would not be condemned under the rule of construction which the Supreme Court has laid down. I have not heard of one."

"It is time to come down to facts. Now let them give a specific instance instead of attacking the greatest court on earth and charging it with deliberately emasculating a statute that was enacted by Congress to remedy a great evil. Let them cite a single instance that is not covered by the statute and even if they are construing that statute that they think ought to be condemned and is not. I am waiting to hear."

"And when a case is doing its duty, when it is trying to reach the law as it ought to be, to have it condemned and attacked and its motives questioned for mere political purposes without any solid ground for attack, goes to my heart, and I resent it with deep indignation."

What distinguishes this court from any other is the Supreme Court we have at Washington that has stood often between us and errors that might have been committed that would have been injurious to this country and to turn upon that court and question its motives and attacks."

is to lay the axe at the root of the tree of our civilization."

The President addressed a large crowd of about 15,000 people at Boise. He made a short speech to the crowd, in which he defended his recent speeches on trusts and competition.

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ARMS FOR REVOLT OF REYES

MEXICAN GOVERNMENT SCOOPS IN SMUGGLED LOTS.

Some Sort of Trouble Brewing in San Antonio Despite Denials of Madero's Rival, Wholesale Murder in Tehuantepec—Capital Plot to Kill Orozco.

MONTREY, Mexico, Oct. 6.—Efforts to enter large stores of arms and ammunition surreptitiously at Rio Grande border and Gulf coast points are being frustrated by the Government. One shipment of contraband and munitions of war was captured at point near Presidio del Norte on the Mexican side of the river, and another shipment was confiscated at Vera Cruz. It is charged by the Maderistas that this movement to smuggle war supplies into the country is a part of the plan of the followers of Gen. Bernardo Reyes to start a revolution. Members of Reyes's family are on their way to join him in San Antonio.

MEXICO CITY, Mexico, Oct. 6.—A dispatch from Salina Cruz says Carl Woolrich and six Mexicans were killed a day or two ago at Tehuantepec in a political row. Feeling is very high here because of the killing, and there is talk of preferring charges against Tehuantepec officials, who, it is said, instigated the trouble.

Carl Woolrich is a son of Thomas Woolrich, one of the oldest foreign residents of Mexico, who came to Mexico in the early '40s and was one of the drivers and later the manager of the stage line across the Isthmus of Tehuantepec during the California gold rush.

The forces of Lorenzo Vazquez, the second leader of Emiliano Zapata's revolt, are within forty kilometers of Salina Cruz. The forces of this rebel leader were located in Los Hornos until Sunday and have been the terror of the inhabitants of that region. The troops of Tlaxiengo, in terror of the rebels, have appealed to the President of the republic for protection.

Five plotters have been jailed here for planning the assassination of Pascual Orozco. Orozco is in Mexico City receiving his commission as Chief of Rurales in Sinaloa.

SAN ANTONIO, Oct. 6.—Although credited by his enemies with coming to San Antonio to head a revolution against Francisco I. Madero, Gen. Bernardo Reyes will receive the greatest welcome ever accorded a Mexican in this city when he arrives here tomorrow. Probably every Mexican not directly attached to Madero will participate in the reception.

Emilio Vazquez Gomez, candidate for President of Mexico in the recent election, reached here today with Dr. Sebastian Trevino, one time an adherent of Madero, but now credited with having joined the Vazquez who appear well informed. They say that Vazquez Gomez and Gen. Reyes will hold a conference tomorrow at which representatives of the Magonistas also will be present. Gen. Reyes has expressed his opinion that he is not coming here to head a revolution. Many, however, believe that the conference will have to do with a coalition to overthrow Madero and inaugurate a new revolution on December 1.

Hundreds of spies are now in the city. President-elect Madero has a number here. On the other hand the Reyesistas are in the fortifications. They have been watching events and reporting to Flores Magon, leader of that party, which is now said to be ready to launch a new revolution in lower California and the State of Sonora.

The United States has increased its force and secret service men are watching every man of prominence in either party. It is the plan to prevent any violation of the neutrality laws and every movement will be scrutinized.

Agents of Madero say they captured a shipment of arms at El Paso de la Paloma a few days ago. It had been smuggled across the river near Eagle Pass, Tex., on four pack mules.

WILL PAY DAMAGES TWICE.

First \$4,000 for Girl's Injuries Was Stolen—Metropolitan Settles Again.

Under an order signed by Supreme Court Justice Pendleton yesterday the receivers of the Metropolitan Street Railway company will pay a second time when the \$4,000 was paid before it was stolen and the order of discontinuance bearing the name of Supreme Court Justice Bischoff was forged.

The petition in the case was submitted yesterday by Mrs. Eva Heiter of 633 Columbus avenue, whose nine-year-old daughter Emily had her foot cut off in 1908. Soon after the accident happened two ambulance chasers, representing James A. Heiter, a second avenue lawyer, who made a specialty of accident cases, saw the little girl's father, who is a shoemaker, and got him to permit Howard to sue for \$5,000 damages for the little girl and \$25,000 for himself. They promised to give the child an artificial leg for giving Howard the case.

Howard subsequently induced the receivers to consent to the case for \$4,000, but two of his ambulance chasers, Harry and Theodore Mercer, got the check from the receivers on the forged order of discontinuance and item for her damages and engaged Herman A. Heydt to continue the suits. In asking permission to settle for \$4,000 Mrs. Heiter said that the witnesses had been paid off and she refused to give up most of the papers in the case. Her daughter is now going to school and using an artificial limb, and she regarded \$4,000 as reasonable. She will pay her lawyer \$1,000.

Dr. Timby's Body to Be Removed to the Family Plot in Washington.

The body of Dr. Theodore Rugles Timby, inventor of the revolving turret, who died on November 9, 1909, will be removed to his family plot in Oak Hill Cemetery, Washington, D. C., on October 12. The Timby Memorial Joint Committee, of which the Rev. Dr. H. Allen Tupper is chairman, has expended \$2,000 in having contributors sending from \$1 to \$5 to George Blair, treasurer, 101 Lafayette avenue, Brooklyn, artist proofs of a portrait etching of Dr. Timby on imperial Japanese paper will be sent to the memorial fund. Dr. Timby's record are being sold for \$1 apiece, the proceeds to be used for the support of Dr. Timby's aged daughter and disabled son, who are now in the care of Mrs. Virginia C. Timby, her former home at 101 Lafayette avenue, Brooklyn, where she cared for Dr. Timby and his family for eleven years. It is now hoped to have erected a monument over Dr. Timby's grave.

New York Post Office Clerk Arrested.

Acting on complaints of persons who had lost money from letters that had passed through the New York Post Office, Inspectors Hahly and Brigham of Jersey City began an investigation which resulted last night in the arrest of Ross Estelle, a white night clerk at the Post Office. He will be arraigned to-day before United States Commissioner Jones. The prisoner is 24 years old.

Rodgers's Flight Halted by Wind and Rain.

CHICAGO, Oct. 6.—G. P. Rodgers, the aviator, this afternoon gave up his plans to continue his flight from Hammond to Chicago to-day owing to a continuing wind and rain storm. He will remain at Hammond to-night and start to-morrow for Chicago.

Rodgers intends to remain in Chicago over Sunday and to start West Monday morning.

IRON WORKERS LOCKED OUT.

Housemiths Too—Other Half of Them May Suffer Likewise.

One-half of the housemiths and other structural iron workers on about fifty-five buildings throughout the city were locked out yesterday in accordance with the ultimatum of the Allied Iron Trades two days ago. The ultimatum was to the effect that unless strikes of the outside ornamental iron workers on seven buildings in sympathy with the strike of the inside iron workers in the shops of the Lieberman & Sanford Company were not called off before yesterday morning 50 per cent. of the structural iron workers were to be laid off, the remainder to be laid off next Friday and the lockout continued if the strikes were not declared off in the meantime.

The shut down started in a few of the shops on Thursday evening, the working week ending in these shops on Thursday. More were laid off in the forenoon of yesterday and in the evening the balance of the half of the men to be locked out were laid off. About 1,500 men are locked out now and next Friday if the strikes are not called off 1,500 more will be locked out and there will not be a structural iron worker employed on any building for which the members of the Allied Iron Trades have contracts.

In some cases men in other trades will be called off the strike but every man who is possible they will be provided with work on buildings which have passed the stages where structural iron workers are employed.

Walter Drew, Commissioner of the National Erectors' Association, which has taken up the fight on behalf of the Allied Iron Trades, said last evening that the lockout will continue until the ornamental iron workers of the Lieberman & Sanford Company are granted, no matter how long the strikers choose to remain out.

Each man who was paid off was told that he would not be reemployed until these contracts were granted. Most of the men took the matter stoically.

MEDICAL STUDENT A SUICIDE.

Martin H. Gottschaldt Dies by Gas in Father's Office.

Martin H. Gottschaldt, the son of Dr. Charles Gottschaldt of 66 West Forty-sixth street, was found dead yesterday morning in his father's office in the Building of Physicians and Surgeons at 40 East Forty-first street from gas. Whether the death was accidental or intentional was not reported to the Coroner's office and it was entered on the books as asphyxiation by illuminating gas.

The body was found by Chief Engineer James of the building, who smelled gas and traced it to the office on the tenth floor. He says that he found a towel stuffed in the crack under the door and found the young man seated in a chair in the laboratory with the tube of a sterilization furnace in his hand. He called in doctors from adjoining offices and they said Gottschaldt, who was 21 years old, had been dead for several hours.

Dr. Gottschaldt referred all inquiries as to his son's death to Dr. Alfred T. Weston, the Coroner's physician. Dr. Weston said it was a case of asphyxiation. "I knew the boy well," said Dr. Weston, "and I am one of his father's best friends. Martin was preparing for medical college and had been working very hard of late. He had been studying under his father."

NO MERCY FOR LABOR SLUGGERS.

Illinois Supreme Court Refuses to Intervene in Chicago Cases.

CHICAGO, Oct. 6.—In denying a motion for a supersedeas to-day the Supreme Court at Springfield declined to intervene in the fate of four labor war sluggers who were sentenced to the penitentiary by Judge Kavanagh several days ago for assaulting Morgan H. Bell, employed on the Hygienic Ice Company's buildings.

The defendants are William Red Connor, Edward Peter Gendeman and Arthur O'Connor. The sentence was an indeterminate one ranging from one to fifteen years. As a result of the action by the Supreme Court, which also refused to grant a writ of habeas corpus, the convicted men will be taken to the penitentiary. Gentlemen, who is a brother of William Gendeman, for whose alleged murder Maurice Moss was hanged in the State Prison, is also under conviction for attempted burglary.

NEW COURT HOUSE BILL.

Various Organizations Urge Mayor Gaynor to Sign the Stillwell Measure.

A letter was sent to Mayor Gaynor yesterday by the Bar Association and New York County Lawyers Association for the New York Chapter of the American Institute of Architects, the Merchants Association, Architectural League, City Club, Municipal Art Society and other organizations urging the Mayor to approve the Stillwell bill providing for a court house site.

The letter says that the provisions of the bill comply with the conditions which the Mayor deems essential to prompt and orderly progress in the erection of a court house. The organizations believe that the bill will result in securing a new court house site, due from the city of authority, will end speedily if the Stillwell act is accepted by the city and approved by the Governor.

GRAFT AT SOLDIERS' HOME.

Gen. E. Burd Grubb Uncovers a Coal Swindle at Kearny Institution.

TRENTON, N. J., Oct. 6.—Gen. E. Burd Grubb, who was appointed superintendent of the Home for Disabled Soldiers at Kearny last spring, has submitted a report to Gov. Wilson indicating that prior to his incumbency hundreds of tons of coal were charged to the State which were never used.

Gen. Grubb made the discovery when he found that the bottom of the coal bin was not as he had at first supposed, below the level of the floor of the boiler room. He made measurements which demonstrated that it would have been an impossibility to put in the bin the amount of coal for which bills were delivered during the early part of his term.

The report also shows that while an average of three tons of coal a day had been charged for only about half that amount was necessary at the post.

Talk of Telegraph Strike.

Percy Thomas, president of the Sixteenth district of the Connecticut Telephone Union, which has jurisdiction over the New York City and vicinity, in a report which he made yesterday stated that the union is preparing for a national strike, to take place at the most propitious time, in case the policy of the telegraph companies is not changed. The telegraphers, he said, were led to believe last summer that a concession would be made by the Western Union company, one of which was granted. Among these were free typewriters in the telegraph offices for the operators and an eight hour workday.

Killed by Joy Riders and Left in Road.

BOSTON, Oct. 6.—At 3:30 this morning the body of Joseph Gillis, 30 years of age, of North Beverly was found lying in the middle of the road on Enon street a short distance from his home. His jaw was broken and he was badly cut about the face. Joy riders are believed to have been driving the car when it was found. It was hoped to have recovered the car, but the police are trying to discover how Gillis received the injuries.

\$10,000 DEATH VERDICT.

Wilson Berryman Recovers That Sum for Fatal Accident to His Son.

Wilson Berryman, a deputy surveyor and administrator of the estate of his son, Ashley M. Berryman, a Cornell student, recovered a verdict for \$10,000 against the Manhattan Transit Company in a suit before Supreme Court Justice Delay yesterday. Young Berryman was killed when he fell through an elevator shaft in the defendant's building, which was occupied by the New York Taxicab Company. He had been working his way through college by running a cab during the strike in 1908 was called from college to aid in breaking the strike.

Berryman was sent to the building in which he was killed with a machine and nothing of the elevator shaft. After he fell to the bottom he was crushed by the descending car.

MAN HUNT IN WESTCHESTER

FARMERS BENT ON KILLING YOUNG GIRL'S ASSAILANT.

Sheriff's Men Make an Arrest and Hurry Prisoner to Jail After the Girl Has Identified Him—He Is an Italian and Insists That He Is Not the Man.

WHITE PLAINS, Oct. 6.—Nora Good, 17 years old, daughter of Joseph Good, a farmer of Goldens Bridge, a hamlet in the northern part of Westchester county, was attacked this morning by an Italian on a bicycle from her home to the store of Green Bros. An automobile party bound for the Danbury fair found her lying unconscious near the roadside.

The girl said when she was revived that an Italian had jumped out from behind a tree, pulled her from her wheel and dragged her over a stone wall into the bushes. She gave a fairly good description of her assailant. She said she fought him off until she was struck and made insensible.

When the story of the attack was spread among the farmers they hitched up their horses and drove to the scene of the crime. Others came on foot, on horseback or in automobiles. Almost every man was armed with some kind of weapon. The automobile party gave up their trip to Danbury to join in the search for the girl's assailant. Joseph Good, father of Nora, and Caleb Green, a neighbor, led the posse in the hunt. Squads went in various directions and the woods were searched for several hours, but the Italian could not be found.

In the meantime word had been sent to the Sheriff's office at White Plains. Sheriff Henry Schorpleson seriously injured at his home in New Rochelle as the result of an automobile accident, and Under Sheriff William Doyle and Deputies Rosseter and Donnelly made a fast run to Goldens Bridge in an automobile to take part in the man hunt and if necessary prevent the farmers from taking the law in their own hands. They made a private search and in the dense underbrush not far from the "rock out," where the assault took place, they found Antonio Rosa crouching beneath some bushes. He was taken to the home of Miss Good before the posse could catch up with them.

The girl was led, but as soon as she saw the prisoner she trembled and hid her face behind her hands.

"That's the man," she said. "Take him away."

Mr. Good had received a tip that the officers had arrested his daughter's assailant and he arrived at his home just as the deputies were taking the man away. He said he was sure that the man was the man who had assaulted his daughter. He was held back by Doyle, who told him to let the law take its course. Then the deputies hustled their prisoner in the automobile and drove rapidly to White Plains.

When N. J. Montrose, foreman on the State road, was told of the girl's description of her assailant he told the posse that he knew the man. He said he had been employed on the road and had been discharged. Miss Good also had said that she had seen him at work on the highway. She had said that in trying to defend herself she saw him several scratches on the face. The prisoner's face bore marks of fingernails. He denied that he knew anything of the assault.

Under Sheriff Doyle said to-night: "The girl was not seriously injured. Her clothing was badly torn and she is suffering greatly from shock. She is in the care of a nurse. Rosa was positively identified by Miss Good, but since he has been locked up in jail he seems to take his arrest as a joke. He would make no statement except that he had done nothing wrong."

WILL CALL JUDGE SWANN.

Jurist Balks at Waldo's Suppene—Eight Police Commissioners Face Perjury Charges.

Police Commissioner Waldo yesterday wrote to Judge Swann informing him that charges of perjury had been preferred against the eight policemen who testified before Judge Swann when John Horay was convicted of grand larceny in swindling a Russian immigrant out of \$305. When Horay was convicted Judge Swann said that he believed the policemen had come for the purpose of swearing the case out of court. They are all from the Union Market station, where Police Reuben Huntington, now under indictment for helping Horay flee the immigrant, is stationed.

"The cases," Commissioner Waldo wrote, "will be called for trial Monday, October 9, at 2 P. M. You will be subpoenaed as a witness. The Police Department will furnish you every aid within its power to get the identical evidence."

In his answer Judge Swann makes a mild objection to being subpoenaed to enforce discipline in the Police Department. It was his duty as a public officer, he says, to send a certified copy of the testimony to the Police Commissioner together with the opinion expressed by the jury that the policemen were lying.

"By consulting your counsel," he writes, "you will find that there is no rule of evidence which will make any evidence competent. The transaction was in May, when I had no personal knowledge of it. I have given you the sources of my information and stated the evidence as I received it. The evidence is sufficient to find the defendant guilty beyond a reasonable doubt. They have been submitted to you and it is for your department to accept or reject the evidence."

In his inquiry into the charges brought by Horay and Mrs. Horay against Michael Tondich, an interpreter in the Court of Special Sessions, Judge Swann yesterday examined John Horay, his wife, Sophie, Frederick Ward and Henry Lopacki, who were also implicated by Horay's confession. Judge Swann is investigating the charges against the witnesses, especially certain assertions made by them regarding three cases which were dismissed in the Court of General Sessions and the absence of the complaining witness. The revelations made yesterday brought no further accusations against policemen.

William E. Murphy, counsel for Huntington, called Judge Swann yesterday and said that his client felt that Judge Swann was prejudiced against him and that if the case was to be tried in Judge Swann's court he would be prejudiced. Judge Swann told Mr. Murphy that he should not insist upon trying the case.

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B. Altman & Co.

MEN'S, WOMEN'S AND CHILDREN'S GLOVES

OF FOREIGN MAKE, WILL BE ON SPECIAL SALE

THIS DAY (SATURDAY),

AT THE FOLLOWING EXCEPTIONALLY LOW PRICES.

WOMEN'S MOUSQUETAIRE 16-BUTTON GLACE KIDSKIN GLOVES, IN WHITE AT \$1.85

WOMEN'S CAPE GLOVES IN BLACK, TANS OR WHITE, ONE CLASP PER PAIR, 75c.

GIRLS' AND BOYS' TAN GLACE OR GREY EGAL BUCK GLOVES PER PAIR, 75c.

MEN'S TAN CAPE OR GREY EGAL BUCK GLOVES \$1.25 PER PAIR

ARE SHOWING, IN THEIR

WOMEN'S AND MISSES' DRESS AND SUIT DEPARTMENTS, PARIS MODELS AND DESIGNS FROM THEIR OWN WORKROOMS. PARTICULAR ATTENTION BEING DIRECTED TO AFTER-NOON AND EVENING DRESSES.

FOR SPECIAL ORDERS THERE IS A LARGE ASSORTMENT OF MATERIALS TO SELECT FROM COMPRISING SILKS, DRESS GOODS, LACES, TRIMMINGS AND FURS.

WOMEN'S AND MISSES' SUITS, COATS, WAISTS, LINGERIE, ETC., ARE ALSO IN STOCK, IN POPULAR GRADES AT VERY MODERATE PRICES.

Fifth Avenue, 34th and 35th Streets, New York.

WHERE QUEENS MONEY WENT

CONDEMN STEINWAY TUNNEL.

J. Sergeant Cram Is Going to Urge That If Something Isn't Done Quickly.

A new turn was given to the Steinway tunnel deadlock yesterday when J. Sergeant Cram, at a meeting of the Public Service Commission, said that at next week's meeting of the board he would move that the tunnel be acquired by condemnation proceedings.

"I serve notice now," said Mr. Cram, "that unless some definite understanding has been arrived at with the Interborough company by a week from to-day I will move to condemn the Steinway tunnel and will ask for a vote on that motion. These negotiations between the city and the company have been dragging along for so many years as to exhaust every one's patience."

President Shonts of the Interborough company has made an offer to the city to take the tunnel in conjunction with the subway in this city if the city will take over the tunnel at the cost to build, which is about \$7,000,000. The city authorities have so far showed no inclination to take this offer. It was as a result of the arguments, made by a delegation from Queens that Mr. Cram spoke out yesterday.

Some of the legal advisers of the commission are doubtful if the tunnel can be acquired by condemnation. They pointed out that the Court of Appeals has more than once held that property for railroad purposes cannot be condemned without the sanction of a special act of the legislature.

FLEETING MR. MIZNER.

Court Authorizes Complaint in Suit Against Him Served by Publication.

After trying for a month to serve Wilson Mizner, the playwright, with the complaint in a suit to foreclose a \$6,000 mortgage secured for Mrs. Louise A. Moody got permission from Supreme Court Justice Pendleton yesterday to serve the papers by publication. The lawyer, George A. Carrington, said that although he searched all the theatres, restaurants and Broadway hotels for Mizner he had no success in finding him.

Mr. Carrington said that he once